REMARKS

Applicants respectfully request favorable reconsideration of this application as amended.

The Claims have generally been amended to place them in better U.S. form. Claims 9-17 are pending.

The Office Action rejects claim 17 under 35 U.S.C. §112, second paragraph, as indefinite. This rejection is respectfully traversed. Claim 17 has been amended to specify that the steps recited therein are performed during the manufacturing phase of the machine. Furthermore, claim 17 has been amended to provide antecedent basis for the second, third and fourth steps. Accordingly, claim 17 is in full compliance with 35 U.S.C. § 112. Withdrawal of the rejection is requested.

The Office Action rejects claims 9-17 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,128,995 to Arnold et al. (hereinafter "Arnold"). This rejection is respectfully traversed.

Claim 9 recites, *inter alia*, a computing machine comprising a startup function and an automatic repair function, the automatic repair function adapted to call a mounting function that mounts the operating system.

In contrast, Arnold is directed toward an apparatus and method for loading a system reference diskette image from a system partition and a personal computer system. In particular, Arnold stores an image of the system reference diskette on a direct access storage device and a personal computer system... upon detecting any configuration error, system utilities from the system reference diskette image, such as set configuration programs, diagnostic programs and utility programs can be automatically activated. (see Summary of the Invention)

5

However, Arnold fails to teach, suggest or disclose the automatic repair function as claimed.

Claim 10 recites, *inter alia*, wherein said startup function comprises a first code sequence that loads the contents of the partition... and a second code sequence that activates said automatic repair function in the RAM. Claim 11 recites, *inter alia*, wherein said automatic repair function comprises a third code sequence that calls said mounting function. Claim 12 recites, *inter alia*, wherein said automatic repair function comprises a fourth code sequence that acknowledges an error indicated by said mounting function and a fifth code sequence that restarts the machine after the acknowledgement of the error. Claim 13 recites, *inter alia*, wherein said partition contains a standard acknowledgement function and in that the fourth code sequence calls said standard acknowledgement function executable in RAM with write capability in at least one other partition of the mass memory. Not only does Arnold fail to teach these features, Arnold also fails to teach the combination of features found in these claims and the remaining claims that depend from claim 9.

Claim 16 recites, *inter alia*, a method for automatically starting a computing machine comprising... loading into RAM the contents of a partition of the mass memory that can include an automatic repair function, mounting and operating system from the RAM based on a call from the automatic repair function and acknowdging any error indicated in mounting the operating system and reactivating the loading of the contents. As previously discussed, Arnold does not teach, suggest or disclose mounting an operating system based on a call from the automatic repair function. Furthermore, Arnold does not reactivate the loading of the contents as claimed. In contrast, and as specified on column 4 of Arnold, "if either an error or a user initiated

6

diagnostic boot key sequence is detected by BIOS prior to booting the operating system, the system reference diskette image, if present, will be booted from the system partition." Accordingly, Arnold is incapable of operating in a methodology equivalent to that recited in claim 16. Furthermore, claim 17 recites, *inter alia*, storing at least part of the operating system and functions for executing a startup, an automatic repair function that is capable of calling a mounting function and an acknowledgment function. Arnold has no teaching, suggestion or disclosure of this functionality.

Accordingly, the rejection under 35 U.S.C. § 102(b) is untenable and should be withdrawn.
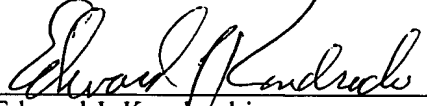
An early Notice of Allowance is respectfully solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (Attorney Docket No T2147-906206) any fees under 37 C.F.R. §§1.16 and 1.17 which may be required by this paper, and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, then such extension is hereby requested.

Respectfully submitted,

Miles & Stockbridge P.C.

Date: November 17, 2003   By: _____

Edward J. Kondracki
Reg. No. 20,604

1751 Pinnacle Drive, Suite 500
McLean, Virginia 22102-3833
Tel.: (703) 903-9000